

**49.26 Commissioner to decide method of voting — counting of ballots.**

1. In all elections regulated by [this chapter](#), the voting shall be by paper ballots printed and distributed as provided by law, or by voting systems meeting the requirements of [chapter 52](#).

2. *a.* The commissioner shall determine in advance of each election conducted for a city of three thousand five hundred or less population or for any school district whether the ballots will be counted by automatic tabulating equipment or by the precinct election officials. In making such a determination, the commissioner shall consider voter turnout for recent similar elections and factors considered likely to affect voter turnout for the forthcoming election.

*b.* If the commissioner concludes that voting will probably be so light as to make counting of ballots by the precinct election officials less expensive than preparation and use of automatic tabulating equipment, paper ballots shall be used. The commissioner may use ballots and instructions similar to those used when the ballots are counted by automatic tabulating equipment.

[S13, §2754; C24, 27, §4203; C31, 35, §4216-c15; C39, §**4216.15**; C46, 50, 54, 58, 62, 66, 71, 73, §277.15; C75, 77, 79, 81, §49.26]

97 Acts, ch 170, §28; 2009 Acts, ch 57, §24

Referred to in [§49.19](#), [49.25](#), [51.15](#), [52.1](#)